IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

CRL.A.No. 280 of 1999()

CC.481/1997 of JUDL. MAGISTRATE OF FIRST CLASS-V, KOZHIKODE

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APPELLANT/COMPLAINANT:

KERALA VYAPARI VYAVASAYI EKOPANA SAMITHI,
AREEKAD UNIT, REPRESENTED BY ITS PRESIDENT
P.AZEEZ, S/O.ABDUL HAMEED.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT/ACCUSED:

K.T.JYOTHI KUMAR, BINU PHOTO
AREEKAD SHOPPING COMPLEX,
NALLALAM, KOZHIKODE TALUK.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY, J.

CRL.APPEAL No. 280 of 1999

Dated this the 6th day of December, 2006

Judgment

Appellant filed a complaint under section 138 of the Negotiable Instruments Act alleging that cheque issued by the respondent for Rs.5,600/- was dishonoured for insufficiency of funds. Since the complainant was absent, the accused was acquitted under section 256 (1) of the Code of Criminal Procedure. In the appeal, notice was ordered on 7.4.1999 in the business address of the accused. It was returned stating that business was closed and present whereabouts of the accused are not known. So far, defects are not cured. Amount involved in the appeal is also very minimal. Acquittal of the accused for the absence of the complainant also cannot held to be illegal. In the above circumstances, appeal filed against the acquittal of the accused is dismissed.

J.B.KOSHY
JUDGE

vaa

J.B. KOSHY, J.

CRL.APPEAL No.280/99

Judgment

Dated:6th December, 2006